

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JOSEPH GAINES,

4 Plaintiff

Case No. 3:19-cv-00770-MMD-CLB

5 v.

6 MARY HENRY, *et al.*,

7 Defendants

**ORDER**

8  
9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections  
11 (“NDOC”), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an  
12 application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1).

13 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28  
14 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to  
15 proceed *in forma pauperis* and attach both an inmate account statement for the past six  
16 months and a properly executed financial certificate on this Court’s approved form.  
17 Plaintiff has not submitted a properly executed financial certificate or an inmate account  
18 statement. (See ECF No. 1). As such, the *in forma pauperis* application is denied without  
19 prejudice. The Court will retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not  
20 file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted  
21 an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or  
22 in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new  
23 application to proceed *in forma pauperis*, he must file a fully complete application to  
24 proceed *in forma pauperis*, including an inmate account statement for the past six months  
25 and a properly executed financial certificate.

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed  
28 *in forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new application.

1 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the  
2 approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
3 document entitled information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
5 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on  
6 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
7 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
8 fee and the \$50 administrative fee).

9 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
10 dismissal of this action may result.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
12 (ECF No. 1-1) but will not file it at this time.

13 DATED: January 3, 2020.

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15 UNITED STATES MAGISTRATE JUDGE  
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